



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Toni J. Taber, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 29558**", the original copy of which is attached hereto, was passed for publication of title on the **28th day of April, 2015**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **12th day of May, 2015**, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KALRA, KHAMIS, MATTHEWS,
NGUYEN, OLIVERIO, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **12th day of June, 2015**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **21st day of May, 2015**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 29558

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23 OF THE SAN JOSE MUNICIPAL CODE AS FOLLOWS: TO AMEND SECTION 23.02.010 OF CHAPTER 23.02 TO CLARIFY RELATIONSHIP BETWEEN DEFINITIONS IN TITLE 23 AND TITLE 20 OF THE CODE; TO ADD SECTIONS 23.02.232, 23.02.465 AND 23.02.517 TO CHAPTER 23.02 TO DEFINE FREEWAY FRONTAGE, RIPARIAN CORRIDOR, AND SPECIAL SIGN ZONE; TO AMEND SECTION 23.02.860 OF CHAPTER 23.02 TO ADD A DESCRIPTION OF THE NORTH SAN JOSE SIGNAGE AREA; TO AMEND SECTION 23.04.010 OF CHAPTER 23.04 TO ADD THE NORTH SAN JOSE SIGNAGE AREA TO THE ZONES GOVERNED BY PART 1 OF CHAPTER 23.04; TO AMEND SECTION 23.04.035 OF CHAPTER 23.04 TO AUTHORIZE PERMITS TO BE ISSUED FOR FREEWAY SIGNS IN THE NORTH SAN JOSE SIGNAGE AREA AND TO ADD REGULATIONS FOR FREEWAY SIGNS IN THE NORTH SAN JOSE SIGNAGE AREA; TO AMEND THE TITLE OF PART 4 OF CHAPTER 23.04 AND AMEND SECTION 23.04.300 TO REVISE THE LIST OF ZONES GOVERNED BY PART 4 OF CHAPTER 23.04; TO AMEND SECTION 23.04.320 OF CHAPTER 23.04 TO INCREASE THE MAXIMUM ALLOWABLE HEIGHT OF FREE-STANDING SIGNS ON RESIDENTIAL PARCELS IN THE NORTH SAN JOSE SIGNAGE AREA; AND TO MAKE OTHER NONSUBSTANTIVE, MINISTERIAL, TECHNICAL, OR TYPOGRAPHICAL CHANGES TO CHAPTERS 23.02 AND 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the City Council of the City of San José certified the North San José Area Development Policies Update Final Environmental Impact Report (EIR) ("2005 North San José FEIR"), on June 21, 2005, by Resolution No. 72268; and

WHEREAS, pursuant to CEQA, the City of San José prepared an Initial Study

the west of State Highway 87 on the south side of Capitol Expressway and between the Guadalupe River and approximately one thousand three hundred (1,300) feet east of the centerline of Pearl Avenue on the north side of Capitol Expressway.

- G. For purposes of this Title, "Stevens Creek Boulevard Signage Area" shall mean that certain area encompassing those real property Parcels adjacent to and fronting along Stevens Creek Boulevard within the City between Winchester Boulevard and the City of San José limit line located approximate eight hundred fifty (850) feet east of State Route 280 and those real properties located entirely within the area bounded by Stevens Creek Boulevard, Kiely Avenue and Saratoga Avenue.
- H. For purposes of this Title, "Oakridge / Blossom Hill Urban Village Signage Area" shall mean that certain area encompassing those real property Parcels adjacent to and fronting along Blossom Hill Road and immediately adjacent Parcels that are part of a contiguous shopping center functioning as a single unit fronting on Blossom Hill Road within the City and located within an Urban Village Boundary Area as indicated on the City General Plan Land Use/Transportation Diagram and between Blossom River Drive and Thornwood Drive/Briar Ridge Drive.
- I. For purposes of this Title, "North San José Signage Area" shall mean that certain area addressed in the North San José Area Development Policy as defined in the City's General Plan.
- J. For purposes of this Chapter, where more than one (1) Parcel is subject to a single development permit issued pursuant to Chapter 20.100 of Title 20 of this Code, the term "Parcel" as used in this Chapter shall mean the entire site that is covered by that single development permit.

SECTION 8. Section 23.04.035 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read as follows:

23.04.035 Freeway Signs

- A. Quantity.
 - 1. One (1) Freeway Sign may be allowed on a Parcel located not more than two hundred fifty (250) feet from a Freeway Travel Lane:
 - a. That is a Shopping Center Site of at least fifteen (15) acres in size, or
 - b. That is a Parcel located in the North San José Signage Area that also meets the following criteria:

- i. is at least ten (10) acres in size; and
- ii. has at least eight hundred (800) linear feet of Freeway Frontage; and
- iii. is developed for Research and Development as defined in Section 20.200.1000 or Office, Research and Development as defined in Section 20.200.818, and has a Zoning and General Plan Land Use Designation that supports such uses.

B. Size.

1. No Freeway Sign shall have a total Sign Area in excess of five hundred (500) square feet.

C. Height.

1. No Freeway Sign shall exceed sixty (60) feet in height above surrounding Grade.
2. Exception:
 - a. The height of a Freeway Sign may exceed sixty (60) feet above Grade if the Director determines that all of the following conditions exist:
 - i. The elevation of existing Grade immediately adjacent to the Freeway Sign is more than ten (10) feet below the elevation of a Freeway Travel Lane located no greater than five hundred (500) feet from the Freeway Sign; and
 - ii. The difference in Grade pursuant to Section 23.04.040.C.2 cannot be resolved by moving the Sign and that difference in Grade obscures visibility of the Sign from the Freeway; and
 - iii. The height of the Freeway Sign above surrounding Grade does not exceed one hundred (100) feet; and
 - iv. The height of a Freeway Sign located closer than four hundred (400) feet from any residential dwelling unit does not exceed eighty (80) feet in height above Grade; and
 - v. The Freeway Sign conforms to all other provisions of this Title.

D. Location.

1. A Freeway Sign shall be located as close as possible to the nearest Freeway Travel Lane.
2. A Freeway Sign that includes a Programmable Electronic Sign shall be located no closer than one hundred fifty (150) feet from any residential dwelling unit.
3. Any location requirements applicable under State or federal law, including but not limited to separation requirements.

E. Other Provisions.

1. A Freeway Sign may include a Programmable Electronic Sign that does not exceed seventy-five percent (75%) of the total Sign Area and is integrated with the total Sign to form a cohesive design unit. In no case shall a Programmable Electronic Sign exceed three hundred and seventy-five (375) square feet in area.
2. The illuminated face of any Freeway Sign shall be oriented towards the Freeway and shall be oriented away from nearby residential dwelling units to the maximum extent feasible.
3. Any Programmable Electronic Sign shall conform to the requirements of Section 23.02.905.
4. For the North San José Signage Area Freeway Signs allowed in accordance with Section 23.04.035.A above, the following additional regulations shall apply:
 - (a) No Freeway Sign shall be allowed within one hundred (100) feet of the edge of a Riparian Corridor.
 - (b) No Freeway Sign that is visible from a Riparian Corridor shall be illuminated between 12:01 a.m. and 5:59 a.m.
 - (c) A Freeway Sign located within the Airport Influence Area:
 1. Shall utilize automatic dimming technology as specified in Section 23.02.905.F.
 2. Any application for a Freeway Sign shall include the following information in addition to any other information that the Director may require: evidence of Federal Aviation

Administration (FAA) "no hazard" determination where the Sign is subject to Title 49 Code of Federal Regulations Part 77, and a lighting study to determine appropriate lighting standards for Signs within an Airport Influence Area.

3. Either a ceilograph machine (a mechanism which tracks cloud bases, measures fog and can be tied into the Sign dimming system) shall be provided to activate automatic dimming based on cloud cover or fog level, or a contact person shall be available by telephone at all times and able to respond onsite to activate automatic dimming technology as directed by the airport control tower.
5. Notwithstanding the provisions of Section 23.02.1300.C, a Freeway Sign shall require approval of a development permit.
6. Notwithstanding the provisions of Section 23.02.1010.A.9, a Freeway Sign may face and be visible from a Freeway.
7. Sign Base:
 - (a) All Freeway Signs shall have a base of at least eighteen (18) inches in height. The height to the top of the base shall not be more than twenty (20) feet above Grade.
 - (b) The base shall be architecturally consistent with the main building of the Parcel and the Freeway Sign it supports. The base shall be constructed of durable materials to reduce the likelihood of unsightly Signs and blighted conditions.
 - (c) Landscaping shall be in accordance with Section 23.04.030.F.

SECTION 9. The title of Part 4 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read as follows:

**CHAPTER 23.04
SIGN REGULATIONS**

Part 4

**OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M, R-MH, Open Space,
Agricultural, and Residential Zoning Districts**

SECTION 10. Section 23.04.300 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read as follows:

23.04.300 Application

In addition to the provisions set forth in Chapter 23.02, this Part shall govern signage standards in the OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M, R-MH, Open Space, Agricultural, and Residential Zoning Districts and for all residential uses in other zoning districts and in Special Sign Zones.

SECTION 11. Section 23.04.320 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read as follows:

23.04.320 Signs on Residential Parcels

A. Quantity.

1. Subject to Subsections 23.04.320.A.2 and A.3 below, one (1) Attached or Free-standing Sign shall be allowed on each residential Parcel.
2. For residential developments consisting of at least one (1) building with one hundred (100) residential units or more, two (2) Attached Signs or two (2) Free-standing Signs or a combination of one (1) Attached Sign and one (1) Free-standing Sign shall be allowed for each frontage on a public street.
3. For each residential development consisting of more than two thousand (2,000) residential units and located on fifty (50) or more acres, one (1) additional Free-standing Sign shall be allowed for each frontage of the single residential development on a public street consisting of at least four (4) moving travel lanes and identified on the General Plan Transportation Diagram at the time the Sign was approved.

B. Size.

1. The aggregate Sign Area of all Attached and Free-standing Signs allowed under this Section shall not exceed one (1) square foot of Sign Area for each occupancy unit on the Parcel, except as otherwise allowed in this Part.
2. Each individual Sign shall not exceed a maximum of thirty-two (32) square feet in size, except as otherwise allowed in this Part.
3. Unless otherwise specified in this Part, signage for residential developments consisting of at least one (1) building with one hundred (100) residential units or more shall be subject to the following:
 - a. The Sign Area for each Attached Sign shall not exceed thirty-two (32) square feet; and

- b. Free-standing Signs shall not exceed one (1) square foot of Sign Area for each eight (8) linear feet of Street Frontage, up to a maximum of thirty-two (32) square feet in Sign Area.

C. Height.

1. Attached Signs shall not be displayed higher than twelve (12) feet above Grade, except for Skyline Signs, residential developments consisting of at least one (1) building one hundred (100) units or more, and Awning Signs as indicated in this Part.
2. Subject to Section 23.04.320.C.3 below, Free-standing Signs shall not be more than three (3) feet in height and shall not be located more than five (5) feet from the primary residential building.
3. For residential developments consisting of at least one (1) building with one hundred (100) residential units or more:
 - a. Attached Signs shall be displayed no greater than thirty (30) feet in height above Grade.
 - b. An Attached Sign may be displayed over, under or on a permanent projecting canopy that is architecturally integrated with the design of the building, subject to the following:
 - i Both an Attached Sign and an Awning Sign shall not be placed on the same permanent projecting canopy.
 - ii If the Attached Sign is located under a permanent projecting canopy, such Sign shall be displayed at least seven (7) feet above Grade.
 - c. Free-standing Signs shall be allowed up to five (5) feet in height for each fifty (50) units located on the subject site. The maximum height of a Free-standing Sign shall be no greater than fifteen (15) feet above Grade, except in the North San José Signage Area where the maximum height of a Free-standing Sign shall be no greater than twenty (20) feet above Grade.

D. Setbacks.

1. Free-standing Signs shall be located at least twenty-five (25) feet from the side and rear property lines of the Parcel.
2. In the case of Parcels less than fifty (50) feet wide, Signs shall be located

as far from the side property lines of the Parcel as possible.

3. Free-standing Signs shall be set back a minimum of ten (10) feet from the front property line of the Parcel, except:
 - a. For residential developments consisting of at least one (1) building with one hundred (100) residential units or more, Free-standing Signs shall be set back a minimum of seven (7) feet from the front property line of the Parcel.
 4. Free-standing Signs shall be separated by a distance of at least ten (10) feet from each other unless otherwise provided in this Section.
- E. Other Types of Signs: The following types of signage shall be allowed and shall not reduce the types and quantity of signage that are otherwise allowed under this Part.
1. Skyline Signs
Residential or mixed-use residential buildings one hundred forty (140) feet to one hundred ninety (190) feet in height above Grade may have one (1) Skyline Sign in addition to other allowable signage for the building or the Parcel, subject to the following provisions:
 - a. The total Sign Area for the Skyline Sign shall not exceed two hundred and fifty (250) square feet of signage.
 - b. Each Skyline Sign shall be designed and constructed as an integral part of the building and placed on a permanent architectural element that has been designed and constructed to accommodate such signage.
 - c. The Skyline Sign shall not illuminate or be mounted on the exterior of that portion of the building façade containing residential living units.
 2. Awning Signs
Residential developments consisting of at least one (1) building with one hundred (100) residential units or more may have Awning Signs subject to the following provisions:
 - a. A maximum of two (2) Awning Signs per building frontage may be placed upon each discrete surface of an awning.
 - b. Each Awning Sign shall be no greater than ten (10) square feet in Sign Area.

- c. Awning Signs shall be located at least seven (7) feet but no greater than twelve (12) feet in height above Grade.
 - d. Awning Signs shall maintain a minimum three (3)-inch clearance from each edge of the discrete surface of the awning on which the Sign is placed.
3. Window Signs
Window Signs in conformance with Section 23.02.1060 of this Title shall be allowed.

F. Other Provisions.

- 1. Window, Awning, Projecting and Segmented Signs shall not be allowed unless otherwise specified in this Part.
- 2. Signs shall not be displayed on Accessory Structures.
- 3. Illumination:
 - a. Signs shall not be illuminated, except for required Safety or Directional Signs, or as otherwise allowed in this Part.
 - b. Signs located within one hundred (100) feet of a Riparian Corridor shall not be illuminated.
 - c. Signs on residential developments consisting of at least one (1) building with one hundred (100) residential units or more may be illuminated with External Lighting, Halolighting, and Internal Lighting if only the letters or symbols are illuminated. Such Signs shall be illuminated only with Continuous Lighting.
 - d. Subject to Subsection E.1.c of this Section 23.04.320, Skyline Signs may be illuminated with External Lighting, Halolighting, and Internal Lighting if only the Sign Area is illuminated. Such Signs shall be illuminated only with Continuous Lighting, except that gradual color changes shall be allowed if there is no perception of flashing lights created.

PASSED FOR PUBLICATION of title this 28th day of April 2015, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KALRA, KHAMIS,
MATTHEWS, NGUYEN, OLIVERIO, PERALEZ, ROCHA.

NOES: NONE.

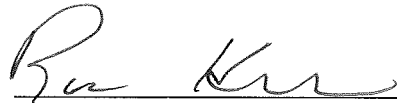
ABSENT: LICCARDO.

DISQUALIFIED: NONE.

ATTEST:



TONI J. TABER, CMC
City Clerk



ROSE HERRERA
Vice Mayor